

Exhibit 5

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

DON GIBSON, LAUREN CRISS,)
JOHN MEINERS, and DANIEL UMPA,)
individually and on behalf of all others)
similarly situated,)

Plaintiffs,)

v.)

NATIONAL ASSOCIATION OF)
REALTORS, et al.,)

Defendants.)

Case No. 4:23-cv-00788-SRB
[Consolidated with 4:23-cv-00945-SRB]

**DECLARATION OF MARC M. SELTZER ON BEHALF OF SUSMAN GODFREY
L.L.P. IN SUPPORT OF CLASS COUNSEL’S MOTION FOR ATTORNEY’S FEES,
COSTS, EXPENSES AND SERVICE AWARDS**

I, Marc M. Seltzer, state under oath, as follows:

1. I am a partner at Susman Godfrey L.L.P. I am one of the attorneys for the *Moehrl*, *Gibson*, and *Umpa* Plaintiffs. I submit this declaration in support of Class Counsel’s motion for attorney’s fees, costs, expenses, and service awards. I have full knowledge of the matters stated herein and would testify to these facts if called upon.

2. In my February 29, 2024 declaration, *see* ECF No. 1392-5, I described the role my firm has played in this litigation, my professional background and the background of the principal attorneys working on this matter, and explained the calculation of our firm’s attorneys’ fees. That work has been essential to the results of the *Moehrl* action, and the settlements achieved in the *Burnett*, *Gibson*, and *Umpa* matters.

3. In my February 29 declaration, my firm reported \$9,503,165 in lodestar in the *Moehrl* and *Burnett* actions.

4. Since then, my firm has continued to work on the *Moehrl*, *Burnett*, *Gibson*, and *Umpa* matters. Among other things, my firm has drafted pleadings and discovery, negotiated case schedules and other procedural matters, and participated in settlement discussions and mediations with numerous defendants.

5. Combined, my firm's total lodestar in all actions and updated through July 31, 2024, is \$11,174,500. All hourly rates are my firm's usual and customary rates for this and other similar matters as of July 31, 2024.

TIMEKEEPER	POSTITION	HOURS	RATE	TOTAL
Berry, Matthew R.	Partner	1120	\$1,100	\$1,232,000
Seltzer, Marc M.	Partner	1396	\$2,200	\$3,071,200
Sklaver, Steven G.	Partner	16	\$1,500	\$24,000
Short, Floyd	Partner	292	\$850	\$248,200
Franklin, Beatrice	Partner/Associate	2124	\$850	\$1,805,400
Pachman, Krysta K.	Partner/Associate	22	\$900	\$19,800
Aiken, Alex	Associate	3284	\$800	\$2,627,200
Macy, John	Associate	35	\$725	\$25,375
Davis II, Brandon	Staff Attorney	3481	\$450	\$1,566,450
Donofrio, Nicholas	Staff Attorney	305	\$300	\$91,500
Hayes, Michelle	Staff Attorney	789	\$425	\$335,325
Kaminsky, Alex	Staff Attorney	73	\$450	\$32,850
Dolan, John F.	Paralegal	272	\$350	\$95,200
	TOTAL HOURS	13,209	TOTAL	\$11,174,500

6. In my February 28, 2024 declaration, my firm reported \$90,544.83 in unreimbursed litigation expenses in the *Moehrl* and *Burnett* actions. Since that time, in addition to all of my

firm's prior and current litigation fund contributions, my firm has incurred additional litigation expenses.

7. My firm's total unreimbursed litigation expenses in all actions and updated through July 31, 2024, is \$96,254.09.

ACTIVITY	TOTAL COST
Articles, Books & Reports	\$332.97
Air Travel	\$10,666.14
Color Prints	\$2,214.00
Deposition Expenses	\$1,651.60
Expert Fees	\$51,747.62
Filing Fees	\$840.00
Ground Transportation (Taxis, car service)	\$2,591.50
Messenger/Delivery Services	\$681.04
Telephone & Calling Card Expenses	\$12.66
Hotels (Travel)	\$8,109.88
Meals	\$2,618.88
Mileage (Travel)	\$34.80
Miscellaneous Client Charges	\$150.00
Outside Computerized Document Charges	\$250.00
Outside Photocopy Services	\$195.64
Online Research Services	\$159.00
Process Server Fee	\$37.00
Court Document Alerts	\$594.60
Parking	\$336.00

In-House Postage Charges	\$13.05
B/W Prints	\$1,730.00
Research charges	\$10,210.51
Secretarial Overtime	\$834.40
Travel Expenses	\$12.00
Trial Transcripts	\$230.80
TOTAL	\$96,254.09

8. These expenses are the types of reasonable litigation expenses customarily incurred by my firm. The litigation expenses incurred in prosecuting this case are reflected in the books and records of my firm. These books and records are prepared from expense vouchers and check records and are an accurate record of the expenses incurred.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 20th day of August, 2024, at Los Angeles, California.



MARC M. SELTZER